

Commissioner for Patents
Page 14

Serial No.: 09/709,343

REMARKS/ARGUMENTS

A Request for Continuing Examination of this application is filed currently with this amendment. Reconsideration of this application is respectfully requested.

Claim Rejections -35 U.S.C. § 103

The Final Office Action rejected claims 1-60 under 35 U.S.C.103(a) as being unpatentable over Schuster et al. in view of Mundy et al. repeating verbatim arguments used in the first Office Action.

Those arguments were traversed in Applicant's response filed February 26, 2004.

Response to Arguments

The Office Action asserts that Applicant's arguments filed February 26, 2004 were fully considered but were not deemed persuasive to any error in the above rejection. The Office Action further asserts that Applicant's main arguments was Schuster et al is only for incoming calls and therefore Schuster et al. does not support call initiation.

In fact, Applicant argued that "From the above it is abundantly clear that Schuster et al. teach only the control of inbound calls using Internet Protocol telephone 108 which is programmable to accept user's schedule and priority information. Applicant did not argue that Schuster et al. is only for incoming calls. Schuster et al. mentions call initiating at column 8, lines 43-48. However. Schuster teaches nothing about how calls can be initiated. The entire disclosure is directed to and teaches only the control of inbound calls using Internet Protocol telephone 108 which is programmable to accept user's schedule and priority information. Applicant acknowledged that as per column 8, lines 41-42, Schuster et al. teach that "the user will preferably also be able to make calls from the voice communications device 108" in the response filed February 26, 2004. However,

Commissioner for Patents
Page 15

Serial No.: 09/709,343

suggesting that something is desirable is not adequate to lead a person of ordinary skill to an invention that is not described in any way.

With respect to Mundy et al., the Office Action³ asserts that the reference was cited to show that POPs and POP selection, among other things, is old in the art.

However, Mundy et al. teach POPs and POP selection for Internet access, which is indeed old in the art. Selecting POP for a PSTN call that is originated by the POP is neither taught nor suggested by Mundy et al. As explained in Applicant's response filed February 26, 2004, Mundy et al. teach directly away from the claimed invention. In accordance with claims 1-60, a user wishing to establish a telephone call from a calling to a called party sends a call request message to a long distance service provider server specifying a call originating number and the call termination number(s), as well as an optional POP code. In addition, the user may set a POP override parameter. If a POP code is not supplied or a POP override parameter is set, at least one cost algorithm is used to dynamically select a most effective POP based on the call origination number and call destination number(s) in the call request message. Nothing in the teachings of Mundy et al. suggest this solution to cost control.

Conclusion

It is respectfully submitted that this application has not been fairly examined in accordance with the provisions of MPEP 707.07(g) and (h). Besides the traversal of the rejections of the independent claims, no combination of Schuster et al. and Mundy et al. teach at least the following features of the dependent claims.

- 1) a POP code is associated with a POP override parameter for identifying to the LDSP whether the specified POP must be used to originate the call connection, or may be overridden if a call

Commissioner for Patents
Page 16

Serial No.: 09/709,343

optimization algorithm indicates a more cost-effective POP for originating the call (claim 3);

2) call request information is specified in call information fields within said interface [supported by the PCA] (claim 5);

3) formulating the call connection request message is initiated when the registered subscriber selects a dial icon on the interface (claim 6);

4) the applications is adapted to retrieve subscriber information stored by the application on the PCA when the call connection request is formulated (claim 7);

5) receiving a confirmation message from the LDSP confirming the subscriber identification information; and forwarding the call connection request message containing the call request information (claim 11);

6) identifying the POP code contained in a call request message and determining if a POP override parameter has been set by the subscriber (claim 13);

7) consulting a routing pairs table to determine a POP within the PSTN to originate the call connection (claim 14);

8) the POP override parameters is associated with a POP code (claim 15);

9) the POP code is selected to initiate a cost-effective call connection (claim 16);

10) formulating a call request packet based on information contained in the call connection request message; and forwarding the call request packet to a call controller to effect a call connection from

Commissioner for Patents
Page 17

Serial No.: 09/709,343

a point of presence (POP) within the PSTN based on information contained in the said call connection request message (claim 17);

11) receiving a first message from said PCA containing subscriber identification information; sending a confirmation message to said PCA authorizing said user identification information; and receiving a second message from the PCA containing the call origination number and the at least one call destination number identifying call origination and destination addresses to be joined by a call connection (claim 18);

12) the call request information specified by the subscriber includes a call scheduling parameter (claim 19);

13) the call scheduling parameter includes call scheduling information for selecting a call connection (claim 20);

14) the call scheduling information includes a date and time for establishing the call connection (claim 21);

15) the call scheduling parameter includes a notification response parameter instructing the LDSP server to send a notification message to each party identified in said call request information (claim 22);

16) the notification response parameter further includes a confirmation response parameter instructing the LDSP to return a confirmation message to the PCA confirming the availability of each party for the call connection (claim 23);

17) the call connection request is for a satellite call and the least cost algorithm uses a special call pair routing table to determine a least cost POP for originating the call to ensure that a satellite leg of the call is completed at a least cost (claim 33);

Commissioner for Patents
Page 18

Serial No.: 09/709,343

18) the least cost optimization algorithm selects a POP to minimize the cost of the call connection based on origination and destination numbers contained in the call connection request message (claim 34);

19) the call scheduling parameter includes a notification response parameter instructing the LDSP to send a call scheduling notification message to each party address specified in the call connection request message (claim 38);

20) the notification message includes a means for providing an availability response message to the LDSP in response to the notification message (claim 39);

21) the notification response parameter further includes a confirmation response parameter instructing the LDSP to return a confirmation response to the PCA indicating the availability of each party (claim 40);

22) the party address is a telephone address and the notification message is an automated voice message (claim 41);

23) the party address is an electronic mail address and the notification message is an automated electronic mail message (claim 42);

24) the LDSP server is further adapted to receive a reply to the notification message from each of the called parties and send a corresponding scheduling confirmation message to the application operating locally on the PCA (claim 43);

25) the LDSP places call scheduling information in a call queue and the call controller retrieves the call scheduling information from the call queue to effect the call connection (claim 44);

Commissioner for Patents
Page 19

Serial No.: 09/709,343

26) wherein call scheduling data is placed in the call scheduling queue in accordance with a scheduled date and time for effecting the call connection (claim 45);

In order to ensure that the independent claims pending in this application unequivocally distinguish over the prior art, even though for reasons set forth above in detail it is respectfully submitted that the prior art either fails to teach the claimed invention or teaches away from the claimed invention, claims 1, 12, 24 and 46 are amended to claim that the call request includes a call origination number and at least one call destination number.

Schuster et al. fail to teach how calls are originated. Nonetheless, it is clear that calls can only be originated from the Internet Protocol phone with which the Schuster et al's PDA communicates. Hence a call origination number is never supplied because it is not an option that can be exercised by the calling party.

Mundy et al. teach nothing to correct this deficiency.

Independent claims 1, 12, 24 and 46 therefore patentably distinguish over the teachings of the prior art, and the rejection of those claims is traversed.

Claim 18, is amended to accord with amended claim 12.


Claim 34 is amended to accord with amended claim 24.

Commissioner for Patents
Page 20

Serial No.: 09/709,343

In view of the amendments made to claims 1, 12, 18, 24, 34, 45 and 46, and for reasons set forth above in detail, each of claims 1-60 pending in this application are considered to be in a condition for immediate allowance. Favourable reconsideration and early issuance of a Notice of Allowance are therefore requested.

Respectfully submitted,

By 
Max R. Wood
Registration No. 40,388
Attorney for Applicant

MRW/ma
Address:

OGILVY RENAULT
1981 McGill College Avenue
Suite 1600
Montreal, QC H3A 2Y3
Canada